

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

US FOODS, INC.,

Plaintiff,

v.

J. PHILIP CORNETT,

Defendant.

Civil Action No. 3:13-cv-231

ORDER

THIS MATTER is before the Court on Plaintiff US Foods Inc.'s Motion for Default Judgment (ECF No. 8). Plaintiff brings this Motion against Defendant pursuant to Federal Rule of Civil Procedure 55. The Court finds:

- (1) Plaintiff filed its Complaint on April 16, 2013.
- (2) Plaintiff properly served Defendant with a copy of the Complaint and Summons on April 20, 2013, in accordance with Federal Rule of Civil Procedure 4(e)(2)(A).
- (3) Defendant did not file an answer. On May 31, 2013, Plaintiff filed a request for entry of default. On June 5, 2013, the Clerk of the Court entered default.
- (4) Plaintiff filed this Motion for Entry of Default Judgment on May 31, 2013.
- (5) Defendant has failed to respond to this Motion or otherwise appear in this action.
- (6) Defendant is not an infant, incompetent person, or engaged in military service.
- (7) Defendant breached his contractual obligations as described in the Complaint.

Accordingly, the Court GRANTS Plaintiff's Motion and ENTERS DEFAULT JUDGMENT against Defendant J. Philip Cornett. Upon consideration of the affidavits in support of Plaintiff's Motion for Default Judgment and the supporting documents, damages are AWARDED to Plaintiff as follows:

- (1) Damages in the amount of \$333,118.01, made up of \$309,522.92 past due amount

owing by Defendant and \$23,595.09 in interest accrued per the Parties' agreements,
and

(2) Reasonable attorneys' fees in the amount of \$19,706.81.

Default judgment is therefore entered in the total amount of \$352,824.82.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.

<p style="text-align: center;">_____/s/_____ James R. Spencer United States District Judge</p>
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ENTERED this 21st day of June 2013.